

# BOARD OF ADJUSTMENT REPORT



MEETING DATE: 5/3/2006

ITEM No. \_\_\_\_\_

ACTION REQUESTED: Zoning Ordinance Variance

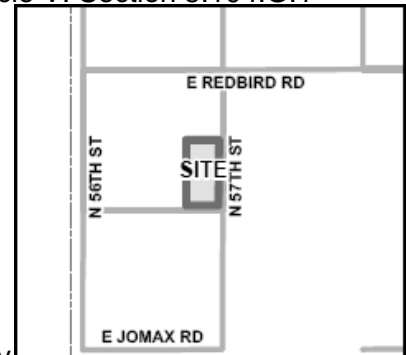
**SUBJECT** Summit Ranch Lot 2 Fence Variance  
**5-BA-2006**

**REQUEST** Request to approve a variance from Article V, Section 5.104.G.1 regarding the fence setback.

**OWNER/APPLICANT** Cory Sanders  
**CONTACT** 480-203-1073

**LOCATION** 26800 N 57th Street

**CODE ENFORCEMENT** There has been no code enforcement  
**ACTIVITY** activity for this site. This is a lot currently being developed with the construction of a Single-family residence. Request for variance is due to applicant's research prior to construction of proposed wall.



**PUBLIC COMMENT** Neighboring properties within 300 feet of the site have been notified and there has been no public comment at the time this report was drafted.

**ZONE** The site is zoned Single-family Residential, Environmentally Sensitive Lands, Foothills Overlay District (R1-43 ESL FO), which allows for a Single-family residential lot of 43,000-sq/ft minimum lot size. This lot is a Key Lot Situation because the lot's Rear Yard abuts the neighboring property's Side Yard.

**ZONING/DEVELOPMENT** This site is located approximately 480 ft east of 56<sup>th</sup> Street, and  
**CONTEXT** approximately 330 ft south of Redbird Road. The site is completely surrounded by R1-43 ESL FO zoning, and the surrounding uses include:

**North:** Vacant land, 220 kv power-line

**South:** Single-family Residential, Commercial Horse Facility

**East:** Single-family Residential uses

**West:** Vacant land

**ORDINANCE  
REQUIREMENTS**

The R1-43 ESL FO zoning requires eight-foot walls, fences and hedges are allowed on the property line or within the required side and rear yard. Walls, fences and hedges up to twelve (12) feet are allowed subject to a twenty-foot setback from the side and rear property line. Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front yard, except as provided in article VII. The height of the wall or fence is measured from the inside of the enclosure. *Exception:* Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard facing the side street need only conform to the side yard requirements.

**DISCUSSION**

The request for variance is for a six (6) foot wall to be allowed in the required front yard setback of forty (40) feet along N. 57<sup>th</sup> St. The variance requests for the six (6) foot wall to be allowed to be placed twenty (20) feet setback from the eastern property line resulting in a variance of twenty (20) feet.

The wash on the west boundary pushes the property owners usable space to the east. There also exists a huge pile of manure on the horse property located to the east. This ruins the view out from the windows located on the eastern side of the structure.

**FINDINGS**

- 1. That there are special circumstances applying to the property referred to in the application which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:**

Applicant states that there is a power line (220 KV) running by the property and crossing the property to the north. If the property to the north were split north/south, the setback for a fence on the east side of the property would be the requested twenty (20) feet. Also, the wash on the west boundary of the property pushes the property owner's usable space to the east. There also exists an unsightly pile of manure on the horse property located to the east. This ruins the view out from the windows located on the eastern side of the structure.

There is a wash located along the west boundary and lower half of the parcel. The wash and dedicated drainage easement removes a portion of the useable area of the site. The wash located along the western boundary of the property reduced the amount of enclosed area/yard within the building envelope by approximately 5,814 sq/ft. The area being enclosed by proposed location of wall, within the twenty (20) foot encroachment, is approximately 4,600 sq/ft.

Property to the north is 177,642.80 sq/ft, and could possibly be

divided in the future: either in an east/west or north/south configuration. Currently the lot is a key lot situation. If the property to the north were to be divided vertically (lot division lines running north to south), the property in question would no longer be a key lot situation, and the yard facing the side street would need only conform to the side yard requirements. If the property to the north would be divided horizontally (lot division lines running east to west), the property in question would continue to a Key Lot Situation.

A six (6) foot wall located along the N. 57<sup>th</sup> St. alignment would block the view of the horse uses located to the east of the property.

**2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:**

Applicant states that because there is a commercial horse farm directly to the east, the views out of the eastern windows are very unappealing. There is a huge pile of manure eighty (80) feet from the east side of their house. The wash to the west pushes their usable land east.

The wash located along the western boundary of the property reduced the amount of enclosed area/yard within the building envelope by approximately 5,814 sq/ft. The area being enclosed by proposed location of wall, within the twenty (20) foot encroachment, is approximately 4,600 sq/ft.

The Horse Breeding and Training Facility uses to the east are exposed to and within view of this single-family residence.

**3. That special circumstances were not created by the owner or applicant:**

Applicant states that the special circumstances are: the wash to the west, power line to the northeast, and the commercial horse farm to the east.

The area being enclosed by proposed location of wall, within the twenty (20) foot encroachment, is approximately 4,600 sq/ft. The enclosed private area affected by wash is in a specified location isolated in the western/southwestern area of the property, while proposed area enclosed by possible variance is elongated along the eastern boundary. The proposed wall could be relocated.

**4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:**

Applicant states that the fence will still be twenty (20) feet off of the property line. And that it is only what would be granted to the other property owners, if the special circumstances were not present.

The six (6) foot wall encroaching into the setback disrupts the intent of the City of Scottsdale Zoning Ordinance in keeping a consistent front yard setback among adjacent street frontages.

**STAFF CONTACT**

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E-mail: [JMurillo@ScottsdaleAZ.gov](mailto:JMurillo@ScottsdaleAZ.gov)



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Phone: 480-312-4210  
E-mail: [TCurtis@ScottsdaleAZ.gov](mailto:TCurtis@ScottsdaleAZ.gov)

**ATTACHMENTS**

1. Project Description
2. Justification
3. Context Aerial
4. Aerial Close-up
5. Zoning Map
6. Photographs
7. Proposed Site Plan



# ZONING ORDINANCE VARIANCE

## Application Submittal Requirements

### Project Description / Variance Details

Case Numbers: 145 - PA - 2006 /        - BA -       

Project Name: Summit Ranch Lot 2 Fence Setback Variance

Location: 20500 N 57th St

#### Property Details:

☒ Single-Family Residential    ☐ Multi-Family Residential    ☐ Commercial    ☐ Industrial

Use: Residential SF    Zoning: R1-43

Number of Buildings: 1    Height: 8' 24"

Setbacks:    N - 35    S - 40    E - 40    W - 15

#### Description of Request:

Section of the Zoning Ordinance to be varied: 5.104.4.1

Project Narrative: I plan to erect a 6' block fence to  
enclose in a backyard for pool/play enjoyment. The  
fence will run 20' to the east from the NE corner of  
my house. It will then run S to the 40' setback line  
on the S end of the property. The W to the edge of  
the NAC. The N, following the line of the NAC, to  
the N border of the property. Proceeding E there will  
be either a 15' high pony wall, or chain link fence,  
keeping in accordance with the current setback rules for  
the N border. From the NE corner of the property a 6'  
high block fence will run approximately 15-20'. There will be a  
gate which will connect to the fence running E from the house.  
Scottsdale Ordinance Requires:

40' fence setback on east border

Request: 20' fence setback on east border

Amount of Variance: 20'

Planning and Development Services Department

7447 E Indian School Road, Suite 105, SC

: 480-312-7000 • F

Attachment 1

5-BA-2006

4/3/2006

Revision Date: 7-Oct-04



# ZONING ORDINANCE VARIANCE

## Application Submittal Requirements

### Justification for Variance

The Board of Adjustment may not authorize a zoning ordinance variance unless ALL of the following criteria are met. Use the space provided to present your evidence that the requested variance complies; you may attach a separate sheet if you need more room.

1. Special circumstances/conditions exist which do not apply to other properties in the district:

There is a power line (220kv) running by my property and crossing the property to the N. If that line were not there the property to the N could be split (and most certainly would judging by other activity in the area). If the property were split my natural setback for a fence on the E side would be the requested 20'. Also the wash on the W border pushes my useable space to the E. There is also a huge pile of manure on the horse

2. Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights:

Because there is a commercial horse farm directly to the E the views out of my E windows are very unappetizing. There is a huge pile of manure 80' from the E side of my home. The wash to the W pushes my useable land E. If the power line were not there I would most certainly have the 20' setback.

3. Special circumstances were not created by the owner or applicant:

Wash to W.  
Power line  
Commercial horse farm & resulting unsightly pile of manure

4. Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general:

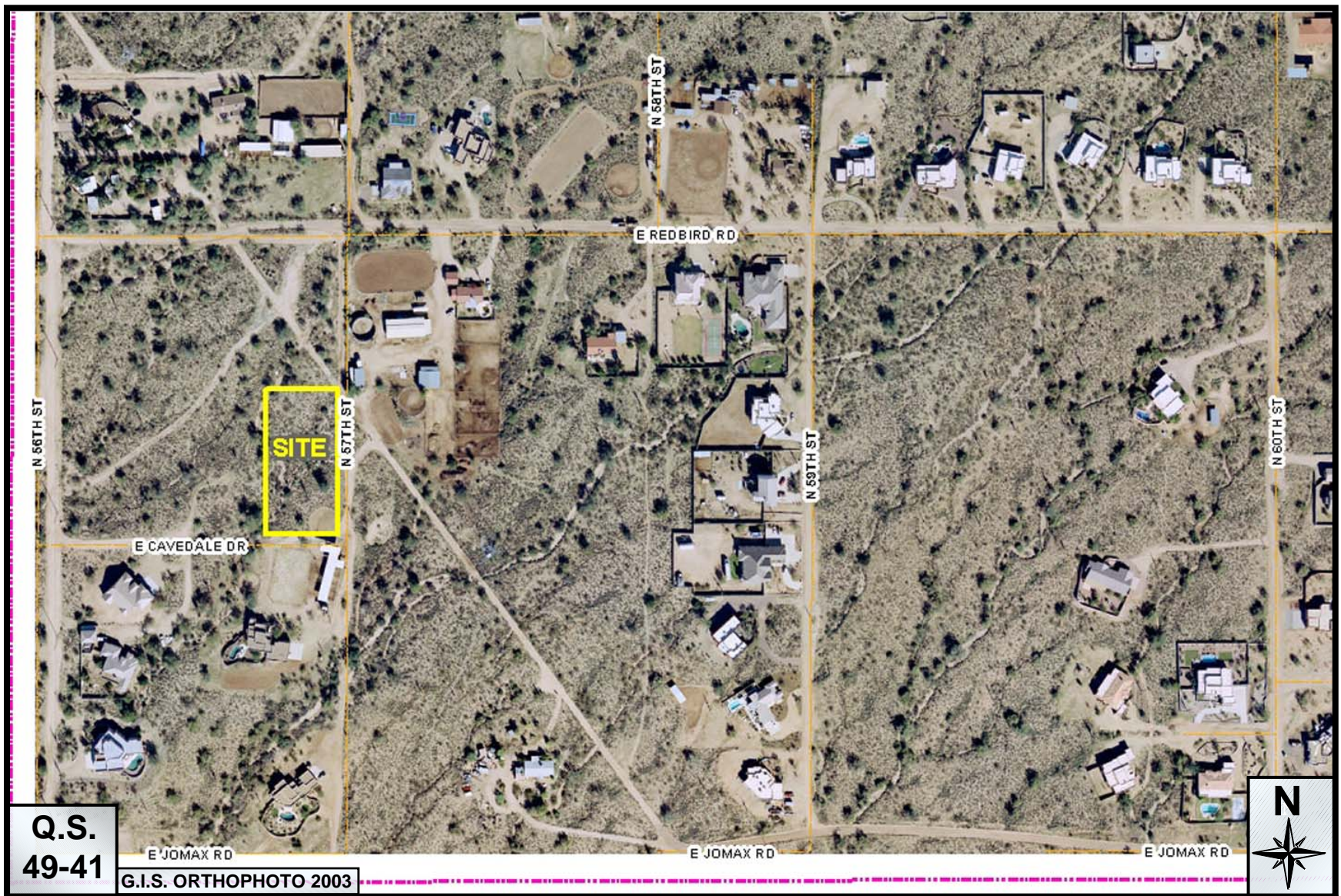
The fence will still be 20' off of the ACW.  
It is only what would be granted to other property owners were the special circumstances not present!

Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

**ATTACHMENT #2**





## Summit Ranch Lot 2 Fence Variance

**5-BA-2006**

ATTACHMENT #3



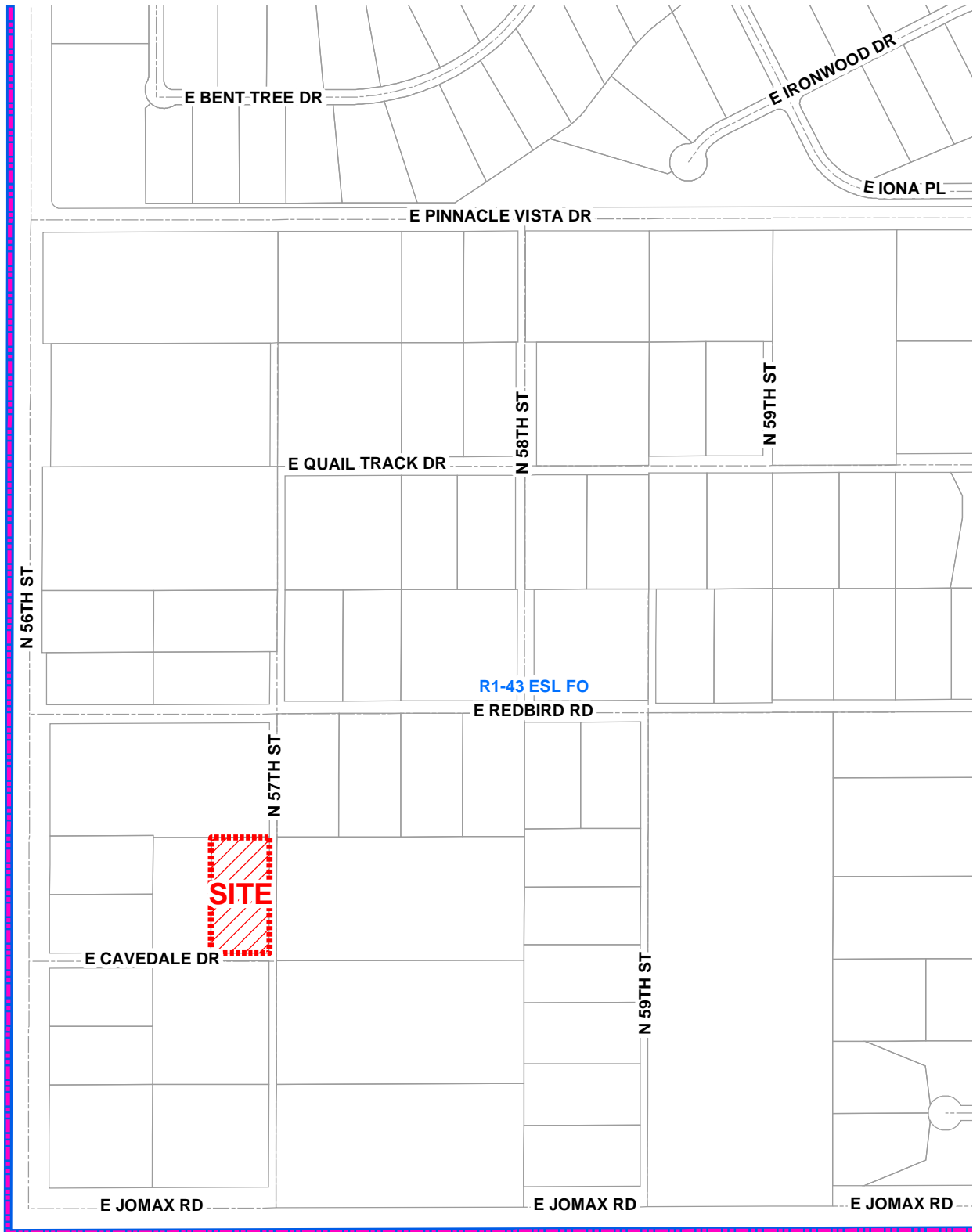


Summit Ranch Lot 2 Fence Variance

**5-BA-2006**

ATTACHMENT #4





5-BA-2006

ATTACHMENT #5

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Summit Ranch Lot 2 Fence Variance

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## Summit Ranch Lot 2 Fence Variance



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4/3/2006



Summit Ranch Lot 2 Fence Variance

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4/3/2006

Summit Ranch Lot 2 Fence Variance

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4/3/2006

Summit Ranch Lot 2 Fence Variance

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Summit Ranch Lot 2 Fence Variance

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Summit Ranch Lot 2 Fence Variance

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4/3/2006



Summit Ranch Lot 2 Fence Variance

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5-BA-2006  
4/3/2006



# Summit Ranch Lot 2 Fence Variance



View of unsightly manure pile  
out of windows at east end  
of my house.

5-BA-2006  
4/3/2006

Summit Ranch Lot 2 Fence Variance

N  
7



Additional view of the proposed  
setback variance area



## CITY OF SCOTTSDALE GENERAL NOTES

1. ALL CONSTRUCTION IN THE PUBLIC RIGHTS-OF-WAY OR IN EASEMENTS GRANTED TO THE PUBLIC MUST CONFORM TO THE LATEST MAINTENANCE AND OPERATION OF HIGHWAYS STANDARDS SPECIFICATIONS AND ORDINANCES.
2. THE ENGINEERING DRAWINGS OR PLANS SHALL BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL. IF CONSTRUCTION OR ERECTION OF THE STRUCTURE IS NOT IN ACCORDANCE WITH THE CITY STANDARDS, THE CITY ENGINEER SHALL NOT BE RESPONSIBLE FOR THE STRUCTURE.
3. APPROVAL OF PLANS IS VALID FOR 180 DAYS. IF AN INCOMPLETION PERMIT FOR THE CONSTRUCTION IS NOT OBTAINED WITHIN 180 DAYS, THE PLANS SHALL BE SUBMITTED TO THE CITY FOR REAPPROVAL.
4. A PUBLIC RIGHTS-OF-WAY PERMIT SHALL BE OBTAINED FROM THE CITY OF SCOTTSDALE BEFORE ANY WORK IS DONE IN THE PUBLIC RIGHTS-OF-WAY OR IN EASEMENTS GRANTED TO THE PUBLIC.
5. WHENEVER EXCAVATION IS TO BE DONE, CALL THE "UTILITY CENTER" (800) 361-1000 TWO WORKING DAYS BEFORE EXCAVATION IS TO BE DONE. THE CENTER WILL ADVISE THE LOCATION OF THE UNDERGROUND UTILITY LINES IN THE AREA OF THE EXCAVATION. CALL THE CENTER TO REQUEST A UTILITY LOCATING SERVICE.
6. IMPROVEMENT PERMITS ARE REQUIRED FOR ALL WORK IN PUBLIC RIGHTS-OF-WAY AND EASEMENTS GRANTED TO THE PUBLIC. PERMITS ARE REQUIRED FOR THE INSTALLATION OF ANY STRUCTURE OR ERECTION OF THE STRUCTURE. PERMITS ARE REQUIRED FOR THE INSTALLATION OF ANY STRUCTURE OR ERECTION OF THE STRUCTURE. PERMITS ARE REQUIRED FOR THE INSTALLATION OF ANY STRUCTURE OR ERECTION OF THE STRUCTURE.
7. ALL EXCAVATION AND GRADING SHALL BE IN ACCORDANCE WITH THE CITY STANDARDS SPECIFICATIONS AND ORDINANCES.

## ESLO BUILDING AND SITE DEVELOPMENT NOTES

1. MATERIALS AND CONSTRUCTION TECHNIQUES SHALL BE IN ACCORDANCE WITH THE CITY STANDARDS SPECIFICATIONS AND ORDINANCES.
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## FOOTING OVERLAY NOTES

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## NOTES

- SEE ARCHITECTURAL DRAWINGS FOR BUILDING LAYOUT, DIMENSIONS, AND ELEVATIONS.
- ALL MATERIALS AND CONSTRUCTION TECHNIQUES SHALL BE IN ACCORDANCE WITH THE CITY STANDARDS SPECIFICATIONS AND ORDINANCES.
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## CONSTRUCTION NOTES

1. INSTALL TEMPORARY CONSTRUCTION FENCE (FOR DETAIL, SEE SHEET) AROUND NOISY AREA OR 15' OUTSIDE OF PROPOSED CONSTRUCTION AREA.
2. GRADE AREA PER CONTOUR ELEVATIONS SHOWN. THE MAXIMUM SLOPE SHALL BE 1:1.
3. CONSTRUCT ROAD SURFACE (DRIVEWAY) CAPABLE OF SUPPORTING 3000 POUNDS PER SQUARE FOOT.
4. INSTALL 1" WATER METER PER C.O.S. DET. 2330 WITH A 1/2" PRIVATE SERVICE LINE.
5. INSTALL 1" WATER METER PER C.O.S. DET. 2330 WITH A 1/2" PRIVATE SERVICE LINE.

- SEE SALVAGE CONTRACTOR'S PLAN FOR ANY NATIVE PLANTS REQUIRING REMOVAL/RELOCATION.
- ALL WATER AND SEWER LINES AND CONNECTIONS PER L.P.C.
- CONTRACTOR TO FIELD VERIFY LOCATION OF ALL EXISTING UTILITIES.
- CONTRACTOR TO PROVIDE POSITIVE DRAINAGE AWAY FROM STRUCTURE.

## FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

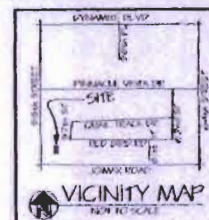
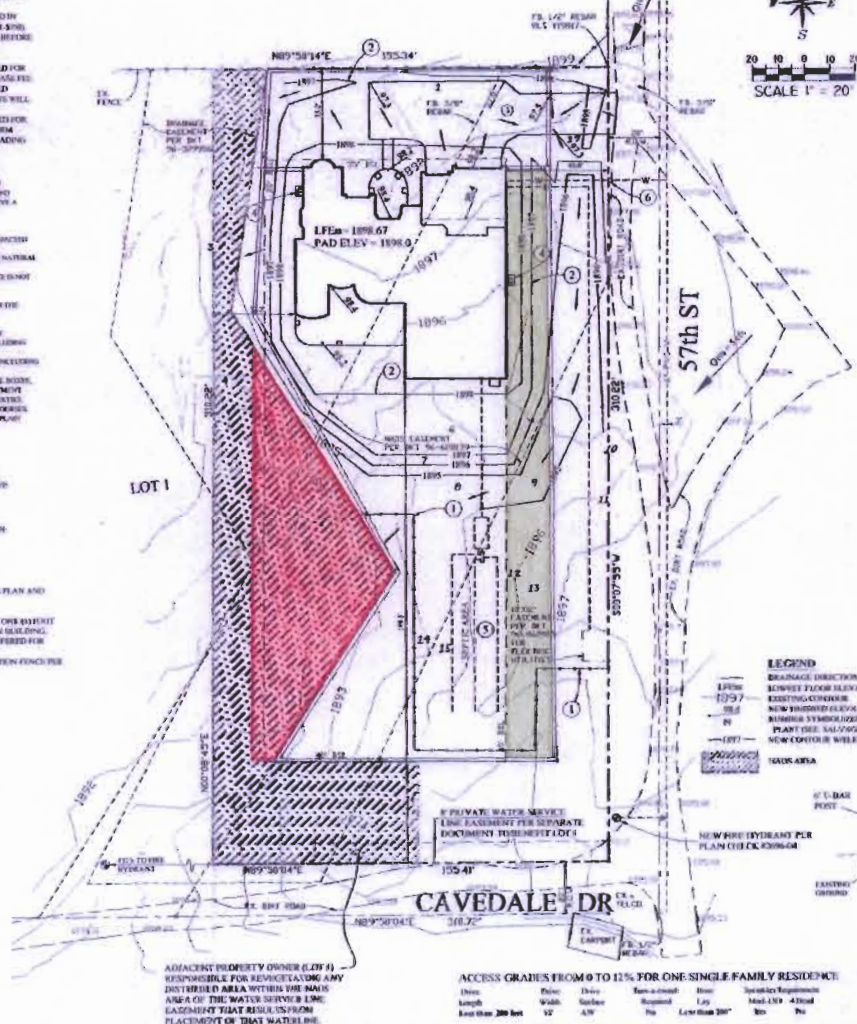
COMMUNITY NUMBER	FIRM NUMBER	DATE	REVISION	REVISION DATE	REVISION DESCRIPTION
00012	2200-01-000	01/01/00	1	01/01/00	1

ENGINEER'S CERTIFICATION: THE LATEST FIRM ELEVATIONS AROUND FLOOD PROTECTIVE ELEVATIONS ON THIS PLAN ARE BASED ON THE FIRM ELEVATIONS PROVIDED BY THE FIRM. THE ENGINEER HAS REVIEWED THE FIRM ELEVATIONS AND HAS DETERMINED THAT THEY ARE ACCURATE. THE CITY OF SCOTTSDALE HAS REVIEWED THE FIRM ELEVATIONS AND HAS DETERMINED THAT THEY ARE ACCURATE.

## SANDERS RESIDENCE

26784 N. 57th STREET, SCOTTSDALE

REDBIRD RD



OWNER  
CITY SANDERS  
1800 E. 4th STREET  
PHOENIX, AZ 85004  
602.261.1015

DEVELOPER  
FOUR HOMES  
4100 N. KITTENBANK WAY  
SUITE 10  
CHANDLER, AZ 85226  
480.770.0001

HOME DESIGNER  
CHERRY HILLS  
4100 N. 57th STREET  
MESA, AZ 85205  
480.410.0001

SURVEYORS  
ALTA SURVEYING CORPORATION  
5000 N. 10th STREET  
PHOENIX, AZ 85016  
602.277.1111  
TODD K. KIRBY, P.E., SURVEYOR  
602.679.1111

BENCH MARK  
CITY OF SCOTTSDALE BRASS CAP FLUSH AT  
INTERSECTION OF 57th STREET AND REDBIRD ROAD,  
ELEVATION = 1077.31 (CITY OF SCOTTSDALE  
BENCHMARK)

PROJECT DATA  
LOT 2 OF 20 ACRES, 100' X 100' LOT  
SUBDIVISION OF 20 ACRES, 100' X 100' LOT  
SUBDIVISION OF 20 ACRES, 100' X 100' LOT  
SUBDIVISION OF 20 ACRES, 100' X 100' LOT

LEGEND  
DRAINAGE DIRECTION  
EXISTING EASEMENTS  
NEW PROPOSED EASEMENTS  
NEW PROPOSED EASEMENTS  
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CONSTRUCTION FENCE  
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26784 N. 57th STREET  
APPROVED

GRADING & DRAINAGE  
ENGINEERS, INC.  
26784 N. 57th STREET  
SCOTTSDALE, AZ 85258  
602.261.1015



05/27/05

JOB NO.  
04-0518

SHEET

1 OF 1

1 OF 1

5-BA-2006

4/24/2006